



## **FAIR HOUSING AGENCIES OF WASHINGTON STATE**

### **SAMPLE POLICY**

The fair housing agencies of Washington State would like to partner with you in affirmatively furthering your fair housing efforts by providing sample policies for your use. These policies may be duplicated or used as a guideline in drafting your own. They are also available on the web at <http://www.metrokc.gov/dias/ocre/> or <http://www.cityofseattle.net/civil/documents.htm>. Please feel free to contact your local fair housing agency for assistance.

### **Sample Service Animal Policy**

Provided in this packet you will find a sample service animal policy that is designed to help educate you and your staff on the federal, state and local fair housing laws. In addition there is useful information on how to set up eligibility criteria for tenants requesting a service animal as an accommodation for their disability and general guidelines for staff and tenants.

Prepared by:  
**Washington State Human Rights Commission  
King County Office of Civil Rights Enforcement  
Seattle Office for Civil Rights  
Tacoma Human Rights and Human Services Department  
Fair Housing Center of South Puget Sound  
Northwest Fair Housing Alliance**

## **SERVICE ANIMAL POLICY**

### **BACKGROUND:**

Service animals are animals trained to assist people with disabilities in the activities of independent living. The Americans with Disabilities Act (ADA) defines service animals as any animal individually trained to do work or perform tasks for the benefit of an individual with a disability. If an animal meets this broad definition, it is considered a service animal. It does not have to be licensed or certified by a state or local government or a training program.

Federal, state and local fair housing laws require that a modification be made to a "No Pet" policy to permit the use of a service animal by an individual with a disability, unless doing so would result in an unreasonable financial or administrative burden.

This policy differentiates "service animals" from "pets," describes types of service animals, provides guidelines for staff and tenants for the acceptance of service animals, and sets behavioral guidelines for service animals.

### **DEFINITIONS:**

**Disability:** A tenant must meet the statutory definition of having a "disability," under federal, state and local fair housing laws. These statutes recognize the following broad categories of disabilities:

- A sensory, mental, or physical impairment that substantially limits one or more major life activities (such as walking, seeing, working, learning, dressing, etc.)
- A sensory, mental or physical condition that is medically cognizable or diagnosable

**Staff:** Includes owners, on-site management, off-site property management, leasing agents, maintenance personnel, or any other representative of the owner or management company.

**Tenant:** A person with a disability who has a service animal.

**Pet:** A domestic animal kept for pleasure.

**Service/Companion Animal:** Any animal individually trained to do work or perform tasks for the benefit of a person with a disability. A companion animal with good temperament and disposition, and who has reliable, predictable behavior, may assist a person with a disability as a therapy tool. The animal may be incorporated as an integral part of a treatment process. Service animals are usually dogs, but may be any animal designated by the tenant and his or her treatment provider.

Service animals are not considered to be pets. A person with a disability uses a service animal as an auxiliary aid similar to the use of a cane, crutches or wheelchair.

Examples include:

A *guide animal*, trained to serve as a travel tool by a person who is legally blind.

A *hearing animal*, trained to alert a person with significant hearing loss or who is deaf when a sound occurs, such as a knock on the door.

A *service animal*, trained to assist a person who has a mobility or health disability. Duties may include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping a person up after a fall, emotional support, etc. Service animals sometimes are called assistance animals.

A *seizure response animal*, trained to assist a person with a seizure disorder. The animal's service depends on the person's needs. The animal may go for help, or may stand guard over the person during a seizure. Some animals have learned to predict a seizure and warn the person.

A *companion animal or emotional support animal* that assists persons with psychological disabilities. Emotional support animals can help alleviate symptoms such as depression, anxiety, stress and difficulties regarding social interactions, allowing tenants to live independently and fully use and enjoy their living environment.

## **GUIDELINES FOR TENANTS WITH SERVICE ANIMALS**

### **REQUEST FOR A SERVICE ANIMAL ACCOMMODATION:**

The tenant must submit a request in writing to have a service/companion animal, as an accommodation for the tenant's disability.

### **VERIFICATION OF DISABILITY AND NEED FOR A SERVICE ANIMAL:**

The tenant must provide written verification that s/he has a disability and that the accommodation is necessary to give the person equal opportunity to use and enjoy the community. However, as defined by the law above, the tenant need not disclose the nature of the disability. The tenant's healthcare or mental health provider must submit a signed letter on professional letterhead to the property management answering the following questions:

- Is the person disabled as defined by the fair housing laws described above?
- In the health care provider's professional opinion, does the person need the requested accommodation to have the same opportunity as a non-disabled person to use and enjoy the community?

### **SUPERVISION:**

The animal must be supervised and the tenant/handler must retain full control of the animal at all times.

### **CLEANUP RULE:**

- Never allow the service animal to defecate on any property, public or private (except the tenant's own property), unless the tenant immediately removes the waste.
- Always carry equipment sufficient to clean up the animal's feces whenever the service animal is in the common areas or off the tenant's property.
- Properly dispose of waste and/or litter.
- Contact staff if arrangements are needed to assist with cleanup.

## **GUIDELINES FOR STAFF**

### **SERVICE ANIMAL ACCOMMODATION:**

Property management will review a tenant's written request for a service animal accommodation. Upon written verification from the tenant's healthcare or mental health provider, the property manager will provide a written response to the tenant. The manager's response will take into consideration the reasonableness of the request. The request may be denied and deemed unreasonable only if it causes an undue financial or administrative burden to the community.

### **FEES:**

A service animal is not a pet. Regardless of whether your property allows pets or not, the tenant is not required to make a pet deposit or pay a pet-related move-in cleaning fee. The tenant may be charged a general cleaning or damage deposit charged to all tenants. The tenant is liable for any damage the animal actually causes.

### **AWARENESS TRAINING:**

Property management will ensure that staff is properly trained in the facility's service animal policies, including the following rules:

- Allow a service animal to accompany the tenant at all times and everywhere on the property except where animals are specifically prohibited.
- Do not pet or touch a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
- Do not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- Do not deliberately startle a service animal. Do not separate or attempt to separate a tenant/handler from her or his service animal. Avoid making noises at the animal (barking, whistling, etc.)
- Avoid initiating conversation about the service animal, the tenant's disabilities or other service animals one has known. If you are curious you may ask if the tenant/handler would like to discuss it, but be aware that many persons with disabilities do not care to share personal details.
- Remember, not all disabilities are visible. The nature of the person's disability is a private matter, and you are not entitled to inquire for details.
- If other tenants complain about the fact that they are not allowed to have a pet and want to know why you have made an exception, simply state that your company complies with the fair housing laws. You can also refer your tenants to the fair housing laws or your local fair housing agency for further details.

- Service animals do not need to wear any special identifying gear such as tags, harnesses or capes.
- A tenant may train his or her own service animal and is not required to provide any information about training or the specific tasks the animal performs.

**REMOVAL OF A SERVICE ANIMAL:**

When a service animal is unruly or disruptive (jumping on people, biting, or other harmful behavior), the property manager may ask a tenant to remove the animal from the area. If the improper behavior happens repeatedly, the manager may tell the tenant not to bring the animal into any area of the property except the tenant's rental unit, until significant steps have been taken to mitigate the behavior. Mitigation can include refresher training for both the animal and the tenant.

**AREAS OFF LIMITS TO SERVICE ANIMALS:**

Management may designate certain areas off limits to service animals, such as in the swimming pool or any other area where a significant health or safety hazard may exist. Such designations should not infringe upon the right of a person with disabilities to fully enjoy the amenities of the community.

## **RESOURCES/QUESTIONS**

### **Americans with Disabilities Act (ADA) Information Line**

*U.S. Department of Justice*

Voice: 800-514-0301

TTY: 800-514-0383

<http://www.usdoj.gov/crt/ada/animal.htm>

### **Delta Society National Service Dog Center**

Provides advocacy education, referral, research assistance, and a variety of other information services regarding service dogs.

*Delta Society*

289 Perimeter Road East

Renton, WA 98055-1329

Voice: 800-869-6898 TTY: 800-809-2714

<http://www.petsforum.com/deltasociety/>  
[deltasociety@cis.compuserve.com](mailto:deltasociety@cis.compuserve.com)

## REQUEST FOR REASONABLE ACCOMMODATION

**This is a sample form for tenants or prospective tenants to use when requesting a reasonable accommodation. This form is not required; however, a tenant must request an accommodation in writing. Any written request for accommodation should be considered by management.**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

I have a disability as defined by the fair housing laws. I use a service animal to assist me with the functional limitations related to my disability. My service animal also enhances my ability to live independently and to fully use and enjoy the dwelling you provide.

Type of service animal (dog, cat, etc.): \_\_\_\_\_

I am requesting that you:

- ☐ waive your "no-pet" policy
- ☐ waive your pet weight/height restrictions
- ☐ waive your pet deposit/pet-related fees requirement
- ☐ other: \_\_\_\_\_

\_\_\_\_\_

as an accommodation for my disability/disabilities.

I have attached a letter from my treatment provider verifying that I have a disability and that I have a need for a service animal.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



**ON LETTERHEAD**

**SAMPLE LETTER FROM SERVICE PROVIDER**

Dear housing provider:

(Name of Tenant) is my client/patient, and has been under my care since (date). I am familiar with his/her history and with the functional limitations related to his/her disability. He/She meets the definition of disability under the fair housing laws.

To enhance his/her ability to live independently and to fully use and enjoy the dwelling you provide, I am prescribing a service animal that will assist (name of tenant) with the functional limitations relating to his/her disability.

I would also be happy to answer any questions you may have concerning my recommendation that (name of tenant) have a service animal.

Sincerely,

Name of Professional

# Housing discrimination? Here's where to find help!

In the City of Seattle, call:	In unincorporated King County, call	In the City of Tacoma, call:	In the State of Washington, call:	In any US state or territory, call:
<b>Seattle Office for Civil Rights</b>	<b>King County Office of Civil Rights Enforcement</b>	<b>Tacoma Human Rights and Human Services Department</b>	<b>Washington State Human Rights Commission</b>	<b>U.S. Department of Housing and Urban Development</b>
Protected classes: <b>RACE</b> <b>COLOR</b> <b>NATIONAL ORIGIN</b> <b>RELIGION / CREED</b> <b>SEX</b> <b>DISABILITY</b> <b>PARENTAL STATUS</b> <b>RETALIATION</b> <b>MARITAL STATUS</b> <b>AGE</b> <b>ANCESTRY</b> <b>SEXUAL ORIENTATION</b> <b>SECTION 8</b> <b>POLITICAL IDEOLOGY</b> <b>GENDER IDENTITY</b>	Protected classes: <b>RACE</b> <b>COLOR</b> <b>NATIONAL ORIGIN</b> <b>RELIGION</b> <b>SEX</b> <b>DISABILITY</b> <b>PARENTAL STATUS</b> <b>RETALIATION</b> <b>MARITAL STATUS</b> <b>AGE</b> <b>ANCESTRY</b> <b>SEXUAL ORIENTATION</b> <b>SECTION 8</b>	Protected classes: <b>RACE</b> <b>COLOR</b> <b>NATIONAL ORIGIN</b> <b>RELIGION</b> <b>SEX</b> <b>DISABILITY</b> <b>FAMILY STATUS</b> <b>RETALIATION</b> <b>MARITAL STATUS</b> <b>AGE</b> <b>ANCESTRY</b>	Protected classes: <b>RACE</b> <b>COLOR</b> <b>NATIONAL ORIGIN</b> <b>RELIGION / CREED</b> <b>SEX</b> <b>DISABILITY</b> <b>FAMILY STATUS</b> <b>RETALIATION</b> <b>MARITAL STATUS</b>	Protected classes: <b>RACE</b> <b>COLOR</b> <b>NATIONAL ORIGIN</b> <b>RELIGION</b> <b>SEX</b> <b>DISABILITY</b> <b>FAMILY STATUS</b> <b>RETALIATION</b>  <i>Note: the Fair Housing Act, and state and local fair housing laws, exempt certain types of housing from the coverage of the law.</i>
Complaints must be filed within 180 days after the alleged violation occurred.	Complaints must be filed within 180 days after the alleged violation occurred.	Complaints must be filed within 1 year after the alleged violation occurred.	Complaints must be filed within 1 year after the alleged violation occurred.	Complaints must be filed within 1 year after the alleged violation occurred.
<b>Contact:</b> 700 3rd Ave., Ste 250 Seattle, WA 98104-1849 206-684-4500 TTY 206-684-4503 Fax 206-684-0332	<b>Contact:</b> Yesler Bldg, Rm 260 400 Yesler Way Seattle, WA 98104-2683 206-296-7592 TTY 206-296-7596 Fax 206-296-4329	<b>Contact:</b> 747 Market St., Rm 836 Tacoma, WA 98042 253-591-5151 TTY 253-591-5153 Fax 253-591-5121	<b>Contact:</b> 711 S. Capitol Way, Ste 402 Olympia, WA 98504-2490 360-753-6770 1-800-233-3247 TTY 1-800-300-7525 Fax 360-586-2282	<b>Contact:</b> Fair Housing Enforcement Ctr 909 1st Ave., Ste 200 Seattle, WA 98104-1000 206-220-5172 1-800-877-0246 TTY 206-220-5185 Fax 206-220-5447
<b>The following organizations advocate for fair housing, provide training and education/outreach:</b> <b>Fair Housing Center of S. Puget Sound 253-274-9523</b> Rust Bldg., 950 Pacific Ave. Suite 700, Tacoma WA 98402 fhcsps@ix.netcom.com <b>Northwest Fair Housing Alliance 509-325-2665, 1-800-200-FAIR</b> (509 area code) 35 West Main Ave., Suite 250, Spokane, WA 99201 <a href="mailto:nwfairhouse@nwadv.com">nwfairhouse@nwadv.com</a>				

